

**UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

IN RE: NATIONAL FOOTBALL  
LEAGUE PLAYERS' CONCUSSION  
INJURY LITIGATION

No. 12-md-2323 (AB)

MDL NO. 2323

**SHORT FORM COMPLAINT**

**THIS DOCUMENT RELATES TO:**

**Plaintiffs' Master Administrative Long-  
Form Complaint and (if applicable)  
*Jones v. National Football League [et al.]*  
No. 2:12-1027 (E.D.Pa.)**

**IN RE: NATIONAL FOOTBALL  
LEAGUE PLAYERS' CONCUSSION  
INJURY LITIGATION**

**SALADIN MCCULLOUGH**

**JURY TRIAL DEMANDED**

**SHORT FORM COMPLAINT**

1. Plaintiff(s), **SALADIN MCCULLOUGH**, (and, if applicable, Plaintiff's Spouse) bring(s) this civil action as a related action in the matter entitled IN RE: NATIONAL FOOTBALL LEAGUE PLAYERS' CONCUSSION INJURY LITIGATION, MDL NO. 2323.

2. Plaintiff (and if applicable, Plaintiff's Spouse) is/are filing this short form complaint as required by this Court's Case Management Order No. 2, filed April 26, 2012.

3. Plaintiff (and if applicable, Plaintiff's Spouse), incorporate(s) by reference the allegations (as designated below) of the Master Administrative Long-Form Complaint, as may be amended, as if fully set forth at length in this Short Form Complaint.

4. ~~[Fill in if applicable] Plaintiff is filing this case in a representative capacity as the~~  
\_\_\_\_\_ of \_\_\_\_\_, having been duly appointed as the \_\_\_\_\_  
\_\_\_\_\_ by the \_\_\_\_\_ Court of \_\_\_\_\_.

~~(Cross out sentence below if not applicable.) Copies of the Letters of Administration/ Letters Testamentary for wrongful death claim are annexed hereto if such Letters are required for the~~

~~commencement of such a claim by the Probate, Surrogate or other appropriate court of the jurisdiction of the decedent.~~

5. Plaintiff, **SALADIN MCCULLOUGH** is a resident and citizen of **California** and claims damages as set forth below.

6. ~~[Fill in if applicable] Plaintiff's spouse is a resident and citizen of **California** and claims damages as a result of loss of consortium proximately caused by the harm suffered by her Plaintiff husband/decedent.~~

7. On information and belief, the Plaintiff (or decedent) sustained repetitive, traumatic sub-concussive and/or concussive head impacts during NFL games and/or practices. On information and belief, Plaintiff suffers (or decedent suffered) from symptoms of brain injury caused by the repetitive, traumatic sub-concussive and/or concussive head impacts the Plaintiff (or decedent) sustained during NFL games and/or practices. On information and belief, the Plaintiff's (or decedent's) symptoms arise from injuries that are latent and have developed and continue to develop over time.

8. [Fill in if applicable] The original complaint by Plaintiff(s) in this matter was filed in the **United States District Court for the Southern District of Texas**. If the case is remanded, it should be remanded to **United States District Court for the Southern District of Texas**.

9. Plaintiff claims damages as a result of [check all that apply]:

- ☒ Injury to Herself/ Himself
- ☐ Injury to the Person Represented
- ☐ Wrongful Death
- ☐ Survivorship Action

- ☒ Economic Loss
- ☐ Loss of Services
- ☐ Loss of Consortium

10. ~~[Fill in if applicable] As a result of the injuries to her husband **SALADIN MCCULLOUGH**, Plaintiff's Spouse suffers from a loss of consortium, including the following injuries:~~

- ~~☒ loss of marital services;~~
- ~~☒ loss of companionship, affection or society;~~
- ~~☒ loss of support; and~~
- ~~☒ monetary losses in the form of unreimbursed costs she has had to expend for the health care and personal care of her husband.~~

11. ~~[Check if applicable] \_\_\_\_\_ Plaintiff (and Plaintiff's Spouse, if applicable) reserve(s) the right to object to federal jurisdiction.~~

**DEFENDANTS**

12. Plaintiff (and Plaintiff's Spouse, if applicable) bring(s) this case against the following Defendants in this action [check all that apply]:

- ☒ National Football League
- ☒ NFL Properties, LLC

13. ~~[Check where applicable] As to each of the Riddell Defendants referenced above, the claims asserted are: \_\_\_\_\_ design defect; \_\_\_\_\_ informational defect; \_\_\_\_\_ manufacturing defect.~~

14. ~~[Check if applicable] \_\_\_\_\_ The Plaintiff (or decedent) wore one or more helmets designed and/or manufactured by the Riddell Defendants during one or more years Plaintiff (or decedent) played in the NFL and/or AFL.~~

15. Plaintiff played in [check if applicable] √ the National Football League ("NFL") and/or in [check if applicable] \_\_\_\_\_ the American Football League ("AFL") during **1997 to 1998 and 2002 to 2003** for the following teams: **Chicago Bears, Oakland Raiders and San Francisco 49ers.**

### **CAUSES OF ACTION**

16. Plaintiff herein adopts by reference the following Counts of the Master Administrative Long-Form Complaint, along with the factual allegations incorporated by reference in those Counts [check all that apply]:

√ Count I (Action for Declaratory Relief-Liability (Against the NFL))

√ Count II (Medical Monitoring (Against the NFL))

\_\_\_\_\_ Count III (Wrongful Death and Survival Actions (Against the NFL))

√ Count IV (Fraudulent Concealment (Against the NFL))

√ Count V (Fraud (Against the NFL))

√ Count VI (Negligent Misrepresentation (Against the NFL))

\_\_\_\_\_ Count VII (Negligence Pre-1968 (Against the NFL))

√ Count VIII (Negligence Post-1968 (Against the NFL))

\_\_\_\_\_ Count IX (Negligence 1987-1993 (Against the NFL))

√ Count X (Negligence Post-1994 (Against the NFL))

\_\_\_\_\_ Count XI (Loss of Consortium (Against the NFL ~~and Riddell Defendants~~))

- ☒ Count XII (Negligent Hiring (Against the NFL))
- ☒ Count XIII (Negligent Retention (Against the NFL))
- ☐ Count XIV (Strict Liability for Design Defect (Against the Riddell Defendants))
- ☐ Count XV (Strict Liability for Manufacturing Defect (Against the Riddell Defendants))
- ☐ Count XVI (Failure to Warn (Against the Riddell Defendants))
- ☐ Count XVII (Negligence (Against the Riddell Defendants))
- ☒ Count XVIII (Civil Conspiracy/Fraudulent Concealment (Against ~~All~~ the NFL Defendants))

17. Plaintiff asserts the following additional causes of action [write in or attach]:

---

---

---

---

**PRAYER FOR RELIEF**

WHEREFORE, Plaintiff (and Plaintiff's Spouse, if applicable) pray(s) for judgment as follows:

- A. An award of compensatory damages, the amount of which will be determined at trial;
- B. For punitive and exemplary damages as applicable;
- C. For all applicable statutory damages of the state whose laws will govern this action;
- D. For medical monitoring, whether denominated as damages or in the form of equitable relief;
- E. For an award of attorneys' fees and costs;
- F. An award of prejudgment interest and costs of suit; and
- G. An award of such other and further relief as the Court deems just and proper.

**JURY DEMANDED**

Pursuant to Federal Rule of Civil Procedure 38, Plaintiff(s) hereby demand(s) a trial by jury.

DATED: this 15<sup>th</sup> day of May, 2013.

Respectfully submitted,

/s/ Jeffrey M. Stern

Jeffrey M. Stern  
TBA No. 19175660  
SD No. 8536  
4909 Bissonnet St., Suite 100  
Bellaire, Texas 77401-4051  
Tel. No. (713) 661-9900  
Fax No. (713) 666-5922

ATTORNEY-IN-CHARGE FOR PLAINTIFFS

OF COUNSEL:

Ali Mokaram  
Peyman Momeni  
Mokaram Law Firm  
2500 West Loop South, Suite 450  
Houston, Texas 77027  
Tel. No. (713) 952-4445  
Fax No. (713) 952-4525

The Stern Law Group  
4909 Bissonnet St., Suite 100  
Bellaire, Texas 77401-4051

Keith W. Lapeze  
The Lapeze Firm, P.C.  
1113 Vine Street, Suite 100  
Houston, Texas 77002  
Tel. No. (713) 739-1010  
Fax No. (713) 739-1015